

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6365 of 2007

Date of Decision: 01.05.2007

Jarnail Singh and others

...Petitioners

Versus

Municipal Corporation, Jalandhar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vikas Singh, Advocate,
for the petitioners.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioners who were initially recruited as Conductor in the Nigam Transport, Jalandhar, which used to be run by the Municipal Corporation have claimed seniority after their absorption as Clerk when the 'Nigam Transport' was disbanded in the year 1995. The Municipal Corporation, Jalandhar, after obtaining due sanction from the Government was granted permission to absorb the petitioners as Clerk and accordingly they had joined w.e.f. 1.1.1999. The claim made by the petitioners is that as they were discharging the duties as a Clerk after 1995 while holding the substantive post of Conductor and, therefore, they are entitled to be given seniority in the cadre of Clerks in respect of either the whole period they have worked as Conductor or at least for the period they have discharged

duty on the post of Clerk while holding the substantive post of Conductor.

After hearing learned counsel and perusing the impugned order dated 21.4.2006 (P-7), we are of the view that the petitioners do not deserve to be given the relief of seniority either from the date they were recruited as Conductors or from the date they were discharging the duty as Clerk while holding the post of Conductor because they were allowed to join duty as Clerk in the cadre of Clerks only from 1.1.1999 when they were absorbed after due sanction from the Department of Local Government, Punjab. There is no rule or judgment cited before us to substantiate the aforementioned claim. It seems to us that the impugned order does not suffer from any legal infirmity warranting interference of this Court under Article 226 of the Constitution of India. Accordingly, the writ petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 1, 2007
Pkapoor